



Changes in *ADEM Summer Burning Regulations*

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Two significant changes have been made in the summer burning regulations issued by the Alabama Department of Environmental Management (ADEM) that may affect many landowners across the state.

Four counties have been added to the list of counties included in this summer burning ban: DeKalb, Etowah, Russell and Talladega. They join the eight counties previously listed in the program including: Baldwin, Jefferson, Lawrence, Madison, Mobile, Montgomery, Morgan, and Shelby.

In addition, the burn ban has been extended one month. The program now lasts from May 1 of each year through October 31. This applies to all 12 counties enrolled in the program.

In a story published recently by *The Gadsden Times*, the reason for the addition of these four new counties was because of fine particles that had been measured in the air by monitoring equipment. The measured particles are so small they can only be detected with an

electron microscope. Sources of fine particles include all types of combustion such as motor vehicles, power plants, residential wood burning, forest fires, agricultural burning, and some industrial processes. Open burning creates smoke containing fine particles that contribute to respiratory distress. Although the particles measured were not dangerously high, they were close to the limit established by ADEM regulations.

According to the Alabama Forestry Commission's (AFC) Assistant Fire Division Director Lou Hyman, the summertime burning restrictions from ADEM will warrant some changes in the Commission's outdoor burning permit program. No permits for miscellaneous burns will be issued by the AFC in these 12 counties during the summer months. However, permits can be issued for specific types of burns that include: fuel reduction, wildlife, hardwood control, other understory, piled debris, scattered debris, and agriculture.

No permits of any kind will be issued in Jefferson County during the summer

months because it is under the jurisdiction of the Jefferson County Health Department.

The following is the actual excerpt from the ADEM open burning regulation.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT Air Division Chapter 33533 Extract Control of Open Burning and Incineration

335-3-3-.01(2) Open burning may be conducted for the purposes listed below and if it meets all the requirements of this paragraph. Authority to conduct open burning under the provisions of this paragraph does not exempt or excuse a person from the conse-

quences, damages, or injuries which may result from such conduct, nor does it exempt or excuse a person from complying with all applicable laws, ordinances, regulations, and orders of governmental entities having jurisdiction, even though the open burning is conducted as specified in this paragraph.

(a) Open burning of vegetation or untreated wood may be conducted if it is generated by clearing or maintaining land, or from demolition or operations conducted for any of the following purposes:

- Erection of any structure;
- Construction of any transportation, utility, or communications line;
- Maintenance of rights-of-way;
- Development or modification of a recreational or commercial area;
- Plant husbandry practices.

Open burning authorized by this paragraph shall comply with the following conditions:

1. The burning must take place on the property on which the combustible fuel originates;
2. The location of the burning must be at least 500 feet from the nearest occupied dwelling other than a dwelling located on the property on which the burning is conducted;
3. The burning must be controlled so as to avoid creat-

ing a traffic hazard on any public road, street, or highway as a result of the air contaminants emitted;

4. Only vegetation and untreated wood may be burned. It is unauthorized to open burn heavy oils, asphalt products, plastics, vinyl materials, insulation, paper, cardboard, natural or synthetic rubber, salvage or scrap materials, chemicals, garbage, treated or painted wood, or any trash;

5. Initial burning may be commenced only between the hours of 8:00 a.m. and 3:00 p.m. No combustible material is to be added to the fire between 3:00 p.m. and 8:00 a.m. the following day;

6. Burning shall be conducted only when there is good ventilation and when the prevailing wind direction is away from any built-up area in the vicinity. No burning shall be

conducted in areas under a current air stagnation advisory issued by the National Weather Service or during a "Drought Emergency" declared by the Governor;

7. The fire shall be attended at all times.

(b) The Director or his authorized representative may impose additional conditions to cover specific open burning situations where additional controls or requirements are deemed necessary to minimize air pollution.

(c) Permission to open burn under the provisions of this paragraph is revoked during the months of May, June, July, August, September and October in Baldwin, DeKalb, Etowah, Jefferson, Lawrence, Madison, Mobile, Morgan, Montgomery, Russell, Shelby and Talladega counties. ☞



Photo by Jason Gillikin & Charles W. Squires